

REMARKS/ARGUMENTS

This is in response to the Office Action dated July 20, 2010. Claims 20-31 and 33-36 are pending. Claims 20-31 stand rejected in the outstanding Office Action. Claims 20-31 have been amended. Claims 19 and 32 have been cancelled. New claims 33-36 have been added.

The objection to claim 30 for informalities is respectfully traversed. Claim 30 has been amended to overcome the Examiner's objection.

The rejection of claims 19-21, 23-26, 30 and 32 under 35 U.S.C. §112, second paragraph, as allegedly being indefinite, is respectfully traversed.

Regarding claims 19 and 32, said claims have been cancelled, thus the above rejection is moot. Moreover, Applicant submits that recited claim limitations each have a sufficient antecedent basis.

Claims 20-21, 23-26 and 30 have been amended to overcome the Examiner's rejections.

The rejection of independent claims 19-20 and 32 under 35 U.S.C. §103(a), as allegedly being unpatentable over Harumoto et al. (US 7,016,970) in view of Feig et al. (US 7,251,833), is respectfully traversed.

Claims 19 and 32 have been cancelled, thus the above rejection is moot.

Amended claim 20 recites "wherein, said analyzing comprises analyzing the recording in its entirety to calculate for each of a plurality of first sections in the recording a maximum timing error value calculated as the maximum of the extent to which the transmission time of the respective following section of the recording exceeds its playing time interval for a following section of any length, wherein said point is determined as the end of the shortest first section that meets the condition that it covers a playing time interval greater than or equal to its respective

maximum timing error value”. Support for the amendment can be found in, for example, on p. 4, lines 13-19 of the instant specification. Harumoto/Feig does not teach or suggest this feature.

In Harumoto, a server encodes video and sends it over a network, such as a mobile network. The receiver receives data and buffers it. The receiver calculates a start up delay value, which is a time to wait between first receiving data and starting to play it out. The receiver may do this by selecting from a small set of values, being proportions of its buffer size, as a function of mobile network strength. The receiver communicates buffer fill to the server from time to time. The server adjusts transmission rate according to the receiver buffer level with the aim of keeping it constant. There also seems to be a mode where the server takes into account the delay in the information getting to it from the receiver so that it estimates future receiver buffer fill and adjusts its transmission rate accordingly.

For example, Fig. 9 of Harumoto shows how the buffer level increases by $\Delta(i)$ when a packet is received and how it decreases by $L(i)$ every frame period once play back has commenced. The text in col. 17, lines 14-65, cited by the Examiner, describes accumulating the receiver buffer fill, as illustrated in Fig. 9, and adjusting the target buffer fill.

However, this does not disclose the invention of claim 20 which is concerned with analyzing the recording in its entirety to identify “a maximum timing error value...wherein said point is determined as the end of the shortest first section that meets the condition that it covers a playing time interval greater than or equal to its respective maximum timing error value”.

The concept of using timing errors is not taught in any of the prior art documents. One of ordinary skill in the art, starting from Feig or Harumoto would not find it obvious to calculate timing errors and use this as the basis for signalling a receiver when the receiver may commence playing the received recording.

Feig, cited for teaching generating a control message to the receiver when to commence decoding, teaches controlling the playing of media at the receiver by timing the transmission of tokens used to decrypt it. However, Feig fails to cure the deficiency of Harumoto in teaching using timing error values and causing the receiver to play back only after the first section has been received.

For at least the above reasons, claim 20 is allowable.

New independent claim 34 includes limitations similar to those of claim 20 and is also allowable.

New dependent claims 33-34 and 36 provide further definitions for the timing error and are not taught or suggested by Harumoto/Feig and are allowable over the cited prior art.

It is respectfully requested that the rejection of claims 21-31, each being dependent from claim 20, also be withdrawn.

In view of the foregoing and other considerations, all claims are deemed in condition for allowance. A formal indication of allowability is earnestly solicited.

The Commissioner is authorized to charge the undersigned's deposit account #14-1140 in whatever amount is necessary for entry of these papers and the continued pendency of the captioned application.

Should the Examiner feel that an interview with the undersigned would facilitate allowance of this application, the Examiner is encouraged to contact the undersigned.

Respectfully submitted,

NIXON & VANDERHYE P.C.

By: /Leonidas Boutsikaris/
Leonidas Boutsikaris
Reg. No. 61,377

LB:
901 North Glebe Road, 11th Floor
Arlington, VA 22203-1808
Telephone: (703) 816-4000
Facsimile: (703) 816-4100